

# United States District Court

WESTERN DISTRICT OF NEW YORK

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Joseph Capaldo

v.

William Powers

## JUDGMENT IN A CIVIL CASE

CASE NUMBER: 05-CV-866F

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the petition is dismissed. Further, a certificate of appealability is denied and leave to appeal as a poor person is denied.

Date: March 23, 2006

RODNEY C. EARLY,  
CLERK

By: s/Deborah M. Zeeb  
Deputy Clerk